

## 7A Am. Jur. 2d Automobiles § 26

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### Automobiles and Highway Traffic

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### I. In General

#### C. Regulation, in General

#### 3. Validity of Regulations

## § 26. Discrimination; classification

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### West's Key Number Digest

West's Key Number Digest, [Automobiles](#)  5(1), 7

Statutes and ordinances regulating vehicles and their operation upon the public ways must not unjustly discriminate between individuals or classes.<sup>1</sup> However, the applicability of such laws may be limited in accordance with a reasonable classification of persons, subjects, or places.<sup>2</sup> Thus, for safety purposes, users of the highways may constitutionally be classified according to the character and extent of their use, and, if so classified, may be subjected to regulation.<sup>3</sup> Also, a classification having a basis in practical convenience is not unconstitutional because it may be lacking in purely theoretical or scientific uniformity.<sup>4</sup> Because most traffic ordinances do not create a suspect classification,<sup>5</sup> the classifications will be upheld so long as they bear a rational relationship to a legitimate state purpose.<sup>6</sup>

Motor vehicles have been recognized as properly and reasonably forming a separate class of instrumentalities for legislative purposes.<sup>7</sup> Accordingly, a statute or ordinance is not unconstitutional as being special legislation merely because it legislates solely upon the question of the operation of automobiles, and does not attempt to regulate the operation of all vehicles using the public highways.<sup>8</sup> Separate classifications for motorcycles have been upheld in many circumstances,<sup>9</sup> although prohibitions of motorcycles on park roads have sometimes been struck down as unconstitutional classifications.<sup>10</sup>

Separate classification of snowmobiles has also been upheld.<sup>11</sup>

A city ordinance requiring motor scooter owners to purchase a permit to park in city's traditional permit parking area, and requiring designation of certain parking areas exclusively for scooters with permits, does not violate the equal protection rights

of scooter owners, even though it required them, but not automobile or motorcycle owners, to obtain a permit to park on a public street in residential area, inasmuch as it was rational for the city to conclude that simultaneously eliminating parking options for scooters without permits and providing designated motor scooter parking areas for scooters with permits would achieve stated goal of discouraging motor scooters from parking on sidewalks.<sup>12</sup>

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## Footnotes

- 1 Wilson v. City of Waynesville, 615 S.W.2d 640 (Mo. Ct. App. S.D. 1981); Board of Trustees of Inc. Village of Mineola v. Incorporated Village of East Williston, 232 A.D.2d 443, 648 N.Y.S.2d 170 (2d Dep't 1996).  
As to vehicle regulations discriminating against interstate commerce, see § 28.  
As to the guaranty of equal protection, generally, see Am. Jur. 2d, Constitutional Law §§ 823 to 920.
- 2 Aero Mayflower Transit Co. v. Georgia Public Serv. Com'n, 295 U.S. 285, 55 S. Ct. 709, 79 L. Ed. 1439 (1935); Stanley v. Public Utilities Commission of Maine, 295 U.S. 76, 55 S. Ct. 628, 79 L. Ed. 1311 (1935).
- 3 Automotive Parts & Accessories Ass'n v. Boyd, 407 F.2d 330 (D.C. Cir. 1968); Hertz Drivursel Stations v. Siggins, 359 Pa. 25, 58 A.2d 464, 7 A.L.R.2d 438 (1948).
- 4 Continental Baking Co. v. Woodring, 286 U.S. 352, 52 S. Ct. 595, 76 L. Ed. 1155, 81 A.L.R. 1402 (1932).
- 5 Gutridge v. Com. of Va., 532 F. Supp. 533 (E.D. Va. 1982); City of Tulsa v. Martin, 1989 OK CR 24, 775 P.2d 824 (Okla. Crim. App. 1989).
- 6 State v. Moore, 259 Ga. 139, 376 S.E.2d 877 (1989); Springfield Park Dist. v. Buckley, 140 Ill. App. 3d 524, 94 Ill. Dec. 824, 488 N.E.2d 1071 (4th Dist. 1986).
- 7 Continental Baking Co. v. Woodring, 286 U.S. 352, 52 S. Ct. 595, 76 L. Ed. 1155, 81 A.L.R. 1402 (1932).
- 8 Commonwealth v. Nolan, 189 Ky. 34, 224 S.W. 506, 11 A.L.R. 202 (1920); City of Tulsa v. Martin, 1989 OK CR 24, 775 P.2d 824 (Okla. Crim. App. 1989) (seat belts in passenger cars only).
- 9 Warner v. Leslie-Elliott Constructors, Inc., 194 Conn. 129, 479 A.2d 231 (1984); Leonard v. Parrish, 420 N.W.2d 629 (Minn. Ct. App. 1988) (helmet law); American Motorcyclist Ass'n v. City of St. Louis, 622 S.W.2d 267 (Mo. Ct. App. E.D. 1981) (restriction on motorcycles in public parks); Toledo v. Wacenske, 95 Ohio App. 3d 282, 642 N.E.2d 407 (6th Dist. Lucas County 1994) (requiring use of headlights during daylight hours).
- 10 Springfield Park Dist. v. Buckley, 140 Ill. App. 3d 524, 94 Ill. Dec. 824, 488 N.E.2d 1071 (4th Dist. 1986); American Motorcyclist Ass'n v. Park Com'n of City of Brockton, 412 Mass. 753, 592 N.E.2d 1314 (1992).
- 11 People v. Staton, 248 Ill. App. 3d 799, 189 Ill. Dec. 76, 619 N.E.2d 777 (2d Dist. 1993).
- 12 Myslewski v. City of Reho both Beach, 987 F. Supp. 2d 499 (D. Del. 2013) (applying Delaware law).

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